



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2405309

Applicant Name : Andrew Novion

Address of Proposal: 5502 7th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original lot and not to each of the new unit lots. A building permit has been approved and issued for the demolition of a single family residence and the construction of a single-family residence and a two-unit townhouse structure (Project #2401711).

The following approval is required:

Short Subdivision - to create three unit lots.
(SMC Chapter 23.24)

BACKGROUND DATA

Location: The subject site is located at the northwest corner of the intersection of 7th Avenue Northwest and Northwest Market Street.

Zoning: Residential, Multi-family, Lowrise 1 (“L1”).

Uses on Site: Single-family residence (to be demolished). Two townhouse units and a single-family residence to be constructed (Project #2401711).

Substantive Site Characteristics: The approximately 5,012-square foot parent lot slopes from the northwest to the southeast at approximately seven percent (7%). At the site location, both 7th Avenue

Northwest and Northwest Market Street are improved with curb, gutter, and sidewalk. There are no mapped or observed Environmentally Critical Areas on the site.

Area Characteristics: Properties immediately abutting the parent lot is also zoned L1. A zone change to Residential, Single-family 5,000 ("SF 5000") occurs approximately 50 feet to the north of the subject site. Properties in the area are primarily developed with single-family residences, although there is also some existing multi-family residential development.

Public Comment: No public comment letters were received during the comment period which ended August 18, 2004.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Summary - Short Subdivision

Based on information provided by the applicant; referral comments from DPD, Water (SPU), Fire Department (SFD), and Seattle City Light; and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The unit lots to be created by this short subdivision would meet all minimum standards or applicable exceptions set forth in the Land Use Code, and would be consistent with applicable development standards. As conditioned, this unit lot short subdivision could be provided with vehicular access and both public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply, and sanitary sewage disposal have been provided for each lot, and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an Environmentally Critical Area; therefore, SMC 25.09.240 is not applicable. The unit lot short plat would not affect tree retention. The public use and interest would be served by the proposal

because all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, is required when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing developments, residential cluster developments, or single-family residences. Section 23.24.045 requires the following:

- A. The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045, subject to the conditions imposed at the end of this decision. The proposed development would consist of townhouses and a single-family residence. The structures, as reviewed and approved under a separate building permit (DPD Project #2401711), conformed to the development standards at the time the permit application was vested.

To assure that future owners have constructive notice that additional development may be limited; the applicant has included Note #4 on the face of the plat that reads as follows: *“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code Chapter 23 of the Seattle Municipal Code.”* In addition, a common maintenance agreement has been added to the face of the plat. Furthermore, parking and open space would be provided on each unit lot. Finally, the applicant has provided an easement for address signage for the benefit of the proposed unit lot without street frontage (Unit Lot B).

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY APPROVED**.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. On Sheet 1 of 5, complete the short plat project information to add the project number of the Short Subdivision (“2405309”) and the project number of the Related Project (“2401711”).
2. On Sheet 3 of 5, update the legal descriptions for Unit Lots A, B, and C to include a reference to City of Seattle Short Subdivision No. “2405309.”
3. On Sheet 5 of 5, update the language of the required Seattle City Light Easement as specified by City Light.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Submit the recording fee and final recording forms for approval.

Signature: _____ (signature on file) Date: December 9, 2004
Leslie C. Clark, AICP,
Land Use Planner

LCC:bg